



# City College

N O T T I N G H A M

<b>POLICY AND PROCEDURES</b>	<b>LEARNER GRIEVANCES AND COMPLAINTS</b>
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<b>COMPILED BY:</b>	SARAH BERRY
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## Learner Grievances and Complaints Policy and Procedures

*“If you like what we’re doing, tell your friends. If you don’t like what we’re doing, please **TELL US!**”*



### **1.0 Purpose, Application and Scope**

The purpose of this document is to set out how City College Nottingham (the College) will address complaints raised by learners and other service users (or in the case of under 18’s or vulnerable adults, their parents, guardians or carers). For the purposes of this document, a person who submits a complaint (or complaint appeal) will be referred to as the “**complainant**”.

The policy and procedures applies to all learners and individuals who access (or have accessed) services, including funded and unfunded learning (courses), the “Job Shop” and associated employment or advice support. It does not apply to instances where the College has referred the learner/service user to another agency or organisation for specialist welfare support or advice, and the individual experiences unsatisfactory service as a result of accessing that provision or services. In such cases, complainants should take up their case with the organisation or agency directly.

The Learner Complaints procedure should not be used in the following circumstances:

- To make a complaint about, or challenge an assessment decision – learners are referred to the “Assessment Appeals Policy and Procedures” for this
- To raise a concern or report a Safeguarding matter - learners are referred to the “Safeguarding Vulnerable Groups (incorporating Prevent) Policy and Procedures” and to contact a member of the College’s Safeguarding Team
- To raise a concern about Equality, Diversity or Inclusion, learners are referred to the “EDI Policy and Procedures”, and to contact the College’s EDI Manager (Kevin Rowland, [kevin@ccn.ac](mailto:kevin@ccn.ac), 0115 9101455 x 472)
- To address personal disputes or conflicts, or to make malicious or defamatory claims which have no substance

### **2.0 Validity**

This document is valid from the date of approval and supersedes all previous versions.

### 3.0 Allied Policies

This policy should be read in conjunction with the following Policies/Procedures:

AC-U1	Learner Attendance and Punctuality
AC-U3	Learner Behaviour and Code of Conduct
AC-U14	Learner Disciplinary
MA-U1	Access to Assessment (incorporating Reasonable Adjustments and Special Considerations)
MA-U2	Assessment Appeals
MA-U3	Assessment
MA-U4	Assessment Referral
MA-U7	Data Protection
MA-U8	Equality, Diversity and Inclusion (EDI)
MA-U11	Conduct and Administration of Examinations
MA-U16	Information, Advice and Guidance (IAG)
MA-U18	Internal Quality Assurance
MA-U20	Maladministration, Plagiarism and Assessment Malpractice
MA-U21	Quality Assurance
MA-U25	Safeguarding Vulnerable Groups, incorporating Prevent Strategy
MA-U28	Fees and Refunds
MA-U36	Conflict of Interest
MA-U41	Whistle Blowing

### 4.0 Legislation, Codes of Practice and External References

In compiling this document, reference was made to the following:

- The Data Protection Act 1998
- The Ofsted Common Inspection Framework (CIF)
- ISI Educational Oversight of Private Further Education College's Inspection Handbook, in particular **Standards for Quality Assurance**:
  - ✚ ISI 44: Does the college or language school have adequate quality assurance mechanisms in place which lead to the improvement of the quality of educational experience or the maintenance of existing high standards?
  - ✚ ISI 47: Has the college or language school drawn up and implemented a complaints procedure that is transparent, open and effective and does it provide for written records to be kept of all complaints including those relating to fees, and the stage at which they were resolved?
  - ✚ ISI 48: If a complaint from or on behalf of a student remains unresolved after consideration by the college or language school, is there provision for resolution of the complaint through a process which includes consideration by an external independent adjudicator or a panel which includes at least two people who have not been directly involved in the matters detailed in the complaint, one of whom is independent of the management and running of the College or language school?

- The UK Quality Code for Higher Education, Quality Assurance Agency (QAA), in particular **Section B9 Academic Appeals and Student Complaints**:
  - ✚ **Indicator 1:** Higher education providers provide opportunities for students to raise matters of concern without risk of disadvantage.
  - ✚ **Indicator 2:** Higher education providers have procedures which encourage constructive engagement with the appeals and complaints process and which offer opportunities for early and/or informal resolution.
  - ✚ **Indicator 3:** Higher education providers have accessible appeals and complaints procedures.
  - ✚ **Indicator 4:** Clear and accurate advice and guidance is available for students making an appeal or complaint, and for staff involved in handling or supporting appeals and complaints.
  - ✚ **Indicator 5:** Academic appeals and complaints procedures are conducted in a timely and fair manner.
  - ✚ **Indicator 6:** Higher education providers ensure that appropriate action is taken following an appeal or complaint.
  - ✚ **Indicator 7:** Higher education providers monitor and evaluate the effectiveness of their appeals and complaints procedures, and reflect on the outcomes of those procedures for enhancement purposes.
- The Matrix Standard for Information, Advice and Guidance, in particular **Continuous Quality Improvement**
  - ✚ **Matrix 4.2** The organisation monitors and evaluates client outcomes to support and improve service delivery.
  - ✚ **Matrix 4.3** The organisation evaluates feedback on the service to build upon its strengths and addresses any areas for improvement.

## 5.0 Key Terms and Definitions

Term	Definition
Appeal	The process by which a complainant can request a review of the outcome of their complaint, such as because they are dissatisfied with the result
Complainant	A person who submits a complaint (a current or ex-learner, service user, or their parent, guardian or carer)
Grievance	A concern, criticism or objection about a person or process which might be raised informally, such as through face to face discussion
Hierarchy	The order of decision making
Investigating Officer (IO)	The person who has been appointed to investigate the complaint on behalf of the College
Investigation Report (IR)	The document which is compiled by the IO, once the internal investigation has been completed
Outcome	The result or decision made in respect of the complaint or appeals process

## 6.0 Policy Statement

The policy of City College Nottingham is to ensure that the processes by which it manages grievances and complaints received from its learners and service users, are clear, transparent and inclusive, and that they are effective in achieving a fair and objective resolution, as quickly and as fairly as possible, with the aim to keep any accompanying bureaucracy to a minimum. This includes the appointment of a named “Complaints Officer” within the College’s organisational structure, who will act as the central point of contact for all matters relating to grievances, complaints and appeals.

This policy is part and parcel of the College’s “Have your Say: You said, We Listened, We Did” strategy, in which the College uses feedback from its learners and service users to evaluate its performance and service delivery, with the aim to improve the learning experience and service provided through a process of continuous self-reflection, review and quality improvement planning.

## 7.0 The Complaints Officer

The “Complaints Officer” will be responsible for:

- dealing with incoming complaints and appeals
- notifying the Quality Assurance Manager/QAC of complaints received (for follow-up)
- distributing this “Learner Complaints Policy and Procedure” to complainants, when requested and as part of the initial acknowledgment communication
- acting as the single point of contact for all communications between the complainant and the College, including reporting on the outcome of the complaint or appeal, and any remedial or corrective actions taken, or to be taken
- adhering to the stated timescales for communications, which will be in writing via e-mails and/or “signed-for” postal letters
- Maintaining an internal “**Complaints File**”, containing the cumulative records of complaints received, the outcome of the complaint (including remedial or corrective actions taken) and copies of all correspondence between the two parties (see also Sections 7 and 12)

The Complaints Officer will not be able to communicate (either verbally or in writing) with any third party/intermediary acting on behalf of the complainant, unless this request is first made in writing.

The Complaints Officer for the College is currently:

**Jason Jones**

[jason@ccn.ac](mailto:jason@ccn.ac)

 0115 9101455 X 483 or 0115 9101483 (direct line)

## 8.0 The Complaints Process

The Flowchart provided as Appendix I sets out the complaints process in schematic form, and the target timescales for response.

### 8.1 Stage 1: Informal Grievances and Complaints

#### *“Let’s Talk about it”*

The College encourages learners/service users to raise their complaints or grievances informally in the first instance, by speaking directly with their Tutor, Advisor and/or their Line Manager, as this may be the quickest and easiest way for the problem to be resolved, particularly where the complaint could be the result of a mis-understanding or is a relatively minor matter.

The College also encourages individuals to raise their complaint at the time of the problem/issue occurring, rather than to wait until after they have completed their course/programme or using the service, so as to give the College adequate opportunity to resolve the matter early on, including to implement any appropriate remedial or corrective action.

If the complaint is not concluded satisfactorily at this point, then learners are invited to submit a formal written complaint (Stage 2)

### 8.2 Stage 2: Formal Complaints

#### 8.2.1 Submission

Formal Complaints must be submitted in writing by completing and submitting an internal “**Complaints Form**” to the **Complaints Officer**. Complainants may also request an electronic “soft copy” of the Complaints Form from the Complaints Officer, if he/she prefers to submit the form via e-mail, by e-mailing the Complaints Officer (see Section 7) directly.

Hardcopies of the Complaints Forms can be obtained from:

- Reception/Learner Support Services
- The Complaints Officer
- In the immediate vicinity of the “Have Your Say” Grievances and Complaints boxes, which are located in the Reception areas

Complainants may submit their completed Complaints Form:

- via the “Have Your Say” Complaints/Grievances box located in Reception areas
- in person/by hand to the Complaints Officer or to Reception/Learner Support Services

- via the post
- via e-mail (see Section 7, The Complaints Officer)

### 8.2.3 Acknowledgement

The Complaints Officer will:

- acknowledge the receipt of the complaint in writing
- issue the Complainant with a copy of this Complaints Policy and Procedure, and confirm the anticipated timescale for an outcome, with target dates
- notify the Quality Assurance Manager/QAC of the receipt of the complaint

### 8.2.4 Fact Finding

The Quality Assurance Manager/QAC will:

- Appoint an independent Investigating Officer from within the College's Management Team, to investigate the complaint. This will include conducting interviews, collating and analysing evidence and compiling a report of the findings

### 8.2.5 The Investigating Officer (IO)

The Investigating Officer will ordinarily be appointed by the Quality Assurance Manager/QAC, following the receipt of a formal complaint (see also Section 15, Decision Making Hierarchy). The IO will be selected from the Management Team, and wherever possible, be independent of the teaching and learning or other area from where the complaint originated. The appointment of the IO will also take into account any other Conflicts of Interest (see Section 13)

The primary role of the IO will be to:

- establish and investigate the facts – the events leading up to the complaint, gather and analyse evidence (records, conduct interviews with one or more witnesses, collect witness statements), and
- compile an Investigation Report

It is not the role or responsibility of the IO to not make decisions regarding the outcome, but he/she will be expected to make objective judgments (in the form of findings) and to make recommendations, where applicable.

### 8.2.6 The Investigation Report (IR)

The Investigation Report is a confidential internal document which will be used by the authorised officers to decide the outcome of the complaint or appeal ie upheld or not upheld

- The purpose of the Investigation Report is to present the findings of the internal investigation.

- The IR will be written by the Investigation Officer following completion of an internal Investigation, and will include:
  - ✚ details of the complaint/the key issues (the background/establishing the scene)
  - ✚ the process of the investigation, including the witnesses interviewed, any supporting witness testimonies collected, and a description/list of the evidence examined
  - ✚ a summary of the IO's findings and their conclusion(s)
  - ✚ any recommendations (if applicable), including potential remedial or corrective actions

The IR will be reviewed by the Quality Assurance Manager/QAC, who holds authority to decide the outcome of the complaint

The IR will not be released to the complainant, but will be reviewed by the Appeals Committee in the event of an Appeal.

### 8.2.7 Complaints Decision and Outcome

The complainant will be informed in writing of the outcome of his/her complaint.

This will be either:

- **Upheld** – the complaint has been substantiated either fully or partially, based on objective judgments supported by factual evidence. In upheld cases, the College will notify the complainant of any remedial or corrective actions that have been, or will be taken to rectify underperformance or unsatisfactory service.
- **Rejected** – the complaint has been found to be unsubstantiated (baseless). No actions will be taken, however, the College may thereafter implement recommendations to strengthen areas of its operation or service which are considered to have contributed to the complaint being raised.

The refund of any course fees paid will be on the consideration of, and at the discretion of the Quality Assurance Manager/QAC and/or the Principal, where applicable.

## 9.0 Stage 3: The Appeals Process

Complainants have the right to appeal against the outcome of their complaint if he/she considers that the outcome to be unfair or unjustified, there is a perceived or actual conflict of interest, or they have cause to believe that the process of the complaint was not followed.

Complainants will be required to submit their appeal in writing, for the attention of the Complaints Officer, within the timescales stated in Section 10. The Appeal must state clearly the reason for the appeal request (ie why the complainant disagrees with the complaint outcome/decision)

## 9.1 The Appeals Panel (AP)

The Principal will appoint an Appeals Panel comprising of at least 3 responsible persons who are independent of the original complaint. The panel will ordinarily comprise of:

- The Principal
- One or more members of the Board of Trustees
- An independent adjudicator

The members of the Appeals Panel will attend an Appeals Panel meeting in which they will:

- decide whether or not they consider it necessary to interview the complainant and/or the IO, and/or any witnesses to the original complaint.
- review the original complaint, the IR and supporting evidence.
- make a decision to reject the appeal, or change the original complaints outcome to uphold, based on their collective findings and conclusions

## 9.2 Appeals Panel Decision and Outcome

The complainant will be informed in writing of the outcome of his/her appeal.

This will be either:

- **Rejected** – the appeal is not accepted, with the original findings and outcome at Stage 2 upheld
- **Complaint upheld** – the Appeals Panel disagrees with the original complaint outcome decision

The Principal will report the outcome of the Appeals Panel to the Complaints Officer, who will communicate the Appeals Panel's decision to the complainant.

The decision of the Appeals Panel is absolute and final.

## 9.3 Submitting Complaints to a Partner College

Learners are advised that where the complaints and appeals process has been exhausted through the College's internal procedures without a satisfactory outcome, if their course of learning is funded through a partner (such as a College of Further Education), they are entitled to follow up their complaint via that partners own complaints procedure. Details of current funding partners are provided in the Learner Handbook.

## **10.0 Timescales**

The timeframes for the completion of Complaints and Appeals processes are:

### **Acknowledgment of the Complaint or Appeal**

The Complaints Officer will acknowledge the receipt of complaints and appeals requests, within **2 working days** from the date of receipt of the written complaint by appeal.

### **Stage 2: Formal Complaint process**

**15 working days** from the date of receipt of the complaint by the Complaints Officer

### **Stage 3: Appeals submission by complainant**

Complainants are required to submit any appeal within **10 working days** of the date of receipt of their complaints outcome communication (letter or e-mail)

### **Stage 3: Appeals Process**

**20 working days** from the date of receipt of the written appeal by the Complaints Officer

## **10.1 Delays**

In the event that there is a delay in the complaints or appeals process, such as due to the availability of witnesses or representatives for the Appeals Panel, the Complaints Officer will contact the complainant in writing, to notify them of the delay, the reasons for the delay, and the anticipated timescale and/or revised target date for an outcome.

## **11.0 Self-Assessment and Continuous Quality Improvement**

All complaints received form part of the “Learner Voice”, “Have Your Say, You Said, We Listened, We Did” strategies, and will be analysed as an integral part of the Colleges continuing quality improvement commitment which aims to constantly improve the College’s operational practices and the learning experience for learners and service users. Complaints will, therefore, be reflected within the annual Self Assessment Report (SAR) and Quality Improvement Plan (QIP).

## **12.0 Data Protection and Complaints Records**

- All information and records relating to learner complaints will be held under current data protection legislation.
- All complaints records (electronic and/or paper based) will be retained for a maximum of 3 years, and destroyed securely at the end of the period.

- Records of complaints may be shared/viewed by funding partners and/or stakeholders as part of Due Diligence and contract compliance, or as part of external inspection oversight processes.

### **13.0 Conflicts of Interest**

The IO or Appeals Panel members may not be related to the complainant or be involved in a personal or professional relationship with the complainant (formal or informal). The IO or Appeals Panel members have a duty to declare any such conflict of interest if and when they are approached. Not to do so will be considered a gross breach of trust and professional integrity, and may be viewed as a disciplinary matter.

### **14.0 Co-Operation from Witnesses**

All learners, staff members/employees, volunteers and stakeholders are expected to give their full co-operation whilst a complaint is under investigation, including consenting to being interviewed by the IO and/or providing a witness statement, where required.

### **15.0 Decision Making Hierarchy**

In the event that the Quality Assurance Manager/QAC is not available to make decisions (complaint stages Sections 8.2.4 and 8.2.6), the decision making responsibility will be delegated to the following College Officers, in the order shown below:

1. The Resources Manager
2. The Operations Manager

In the event that the Principal is not available to facilitate the Appeals Process Section 9.1), the timescale of the appeals process will be extended.

### **16.0 Implementation, Monitoring and Review**

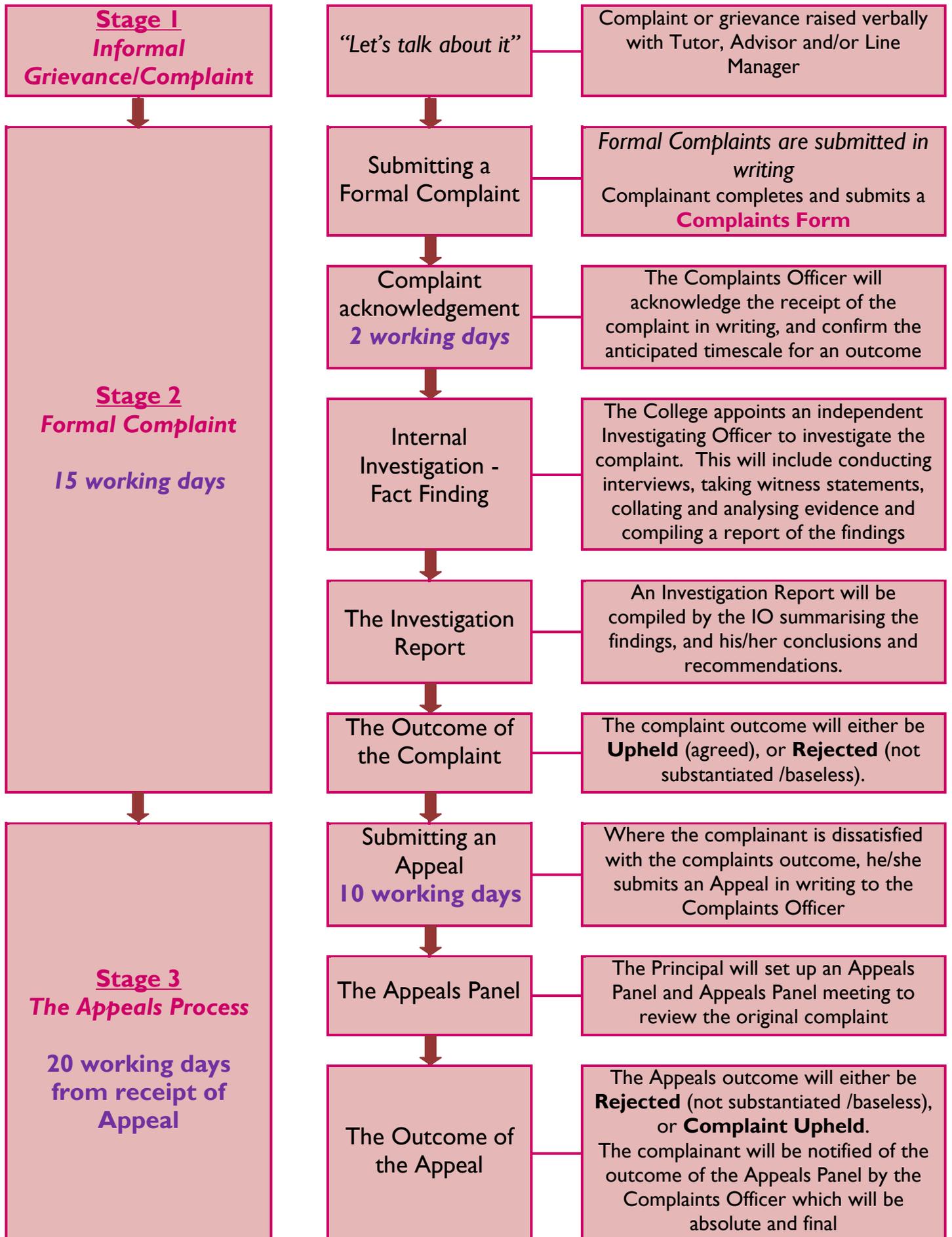
The operational implementation and monitoring of this policy is the responsibility of the Quality Assurance Manager/QAC (Quality Assurance Co-Ordinator).

In compliance with the College's Quality Assurance Policy, this document will be reviewed at least once annually to ensure that it is accurate, fit for purpose and compliant with current external guidance and Codes of Practice.

### **17.0 Appendices**

- Appendix 1: Complaints Process Flow Chart and Target Timescales  
Appendix 2: Complaints Form

## Flow Chart of Learner Complaints Process with Target Timescales



**Complaints Form**

Please complete ALL sections of this form using CAPITAL LETTERS and black or blue ink and return to Reception. Thank You.

**Name:**

**Date of Complaint:**

**Description of Complaint:**

**Complaint Investigated by:**

**Corrective Actions Required:**

**Customer Notified (Date):**

**Corrective Actions Taken:**

<u>Date Implemented</u>	<u>Implemented By</u>	<u>Confirmed Effective (Date)</u>

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**Office Use Only:**

**Name:**

**Position:**

**Signed:**

**Date:**

**Log Number:**